

In the High Court of Punjab and Haryana at Chandigarh

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Criminal Misc. No.M-32002 of 2015

.....

Date of decision:16.2.2016

Harbhinder Singh and others

.....Petitioners

v.

State of Punjab and others

.....Respondents

....

Coram: Hon'ble Mr. Justice Inderjit Singh

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Present: Mr. S.S. Rana, Advocate for the petitioners.

Ms. Shivali, Assistant Advocate General, Punjab for the respondent-State.

Mr. D.K. Raheja, Advocate for complainant-respondents No.2 to 4.

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Inderjit Singh, J.

This petition has been filed under Section 482 Cr.P.C. praying for quashing of FIR No.52 dated 28.6.2009 (Annexure-P.1) registered for the offences under Sections 326, 452, 323, 324, 148 and 149 IPC at Police Station Ghuman, Tehsil Batala, District Gurdaspur and all subsequent proceedings arising therefrom in view of the compromise (Annexure-P.2).

The FIR has been registered on the statement of complainant-Amrik Singh on the allegations that the accused-petitioners attacked him and inflicted injuries to him, his daughter and wife, who tried to rescue him from the assailants. Now with intervention of respectable persons, the matter has been amicably compromised between the parties and they have

resolved their disputes and differences.

Keeping in view the fact that the parties have entered into a compromise, they were directed to appear before learned trial Court for getting their statements recorded in support of the compromise. After doing the needful, learned Sub Divisional Judicial Magistrate, Batala, has sent his report dated 7.11.2015 submitting that the compromise arrived at between the parties is without any pressure or coercion from any one and the same is genuine one.

Learned Assistant Advocate General, Punjab, on instructions from the Investigating Officer and learned counsel for the complainant-respondents No.2 to 4 admit the factum of compromise and submit that in case the parties have indeed settled their dispute, the State would have no objection to the quashing of the FIR in view of the law laid down by the Hon'ble Supreme Court.

I have heard learned counsel for the petitioners as well as learned Assistant Advocate General, Punjab and learned counsel for complainant-respondents No.2 to 4 and have gone through the record.

In a decision, based on compromise, none of the parties is a loser. Rather, compromise not only brings peace and harmony between the parties to a dispute, but also restores tranquility in the society. After considering the nature of offences allegedly committed and the fact that both the parties have amicably settled their dispute, continuance of criminal prosecution would be an exercise in futility, as the chances of ultimate conviction are bleak.

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Therefore, keeping in view the fact that the matter has been amicably settled and in view of the law laid by the Hon'ble Supreme Court in Gian Singh v. State of Punjab and another, 2012 (4) RCR (Cr.) 543, this petition is allowed and FIR No.52 dated 28.6.2009 (Annexure-P.1) registered for the offences under Sections 326, 452, 323, 324, 148 and 149 IPC at Police Station Ghuman, Tehsil Batala, District Gurdaspur and all subsequent proceedings arising out of the same are hereby quashed.

February 16, 2016.

(Inderjit Singh)
Judge

hsp